

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:

Confirmation No. 7008

Petri KOSKELAINEN et al.

Art Unit: 2441

Application No.: 10/079,426

Examiner: Nicholas R. Taylor

Filed: February 22, 2002

Attorney Dkt. No.: 060282.00294

For: METHOD AND SYSTEM FOR PROVISIONING SERVICES TO A TERMINAL

PETITION FO REVIVE UNINTENTIONALLY ABANDONED APPLICATION

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

November 1, 2011

Sir:

Applicants respectfully petition that the improper holding of abandonment of the above-referenced patent application be withdrawn, and prosecution reinstated. Applicants respectfully submit that the abandonment of this application, which was recently brought to Applicants' attention by the mailing of a Notice of Abandonment dated October 4, 2011, was in error. Applicants, therefore, request that the abandonment be withdrawn and the previously filed Request for Continued (RCE) and Submission be entered and considered. The purported abandonment, as discussed below, was apparently due to a mishandling of the Submission that was timely filed along with the RCE in the United States Patent and Trademark Office on September 26, 2011.

The RCE and Submission were filed in response to a Decision by the Board of Patent Appeals and Interferences. Specifically, the Board of Patent Appeals and Interferences issued its Decision on Appeal on July 26, 2011. Applicants were provided a two month period in which to take further action on the application. Thus, the period for taking subsequent action expired on September 26, 2011. Applicants properly and timely filed a Request for Continued Examination (RCE) and Submission on September 26, 2011, in response to the Decision by the Board of Patent Appeals and Interferences.

On October 4, 2011, the Examiner erroneously issued a Notice of Abandonment. Subsequently, a “Notice of Improper Request for Continued Examination (RCE)”, dated October 14, 2011, was received indicating that continued examination under 37 CFR 1.114 does not apply to an application unless prosecution in the application is closed. Applicants’ representative placed a call to the individual who issued the Notice of Improper Request for Continued Examination (RCE), Mr. James Mason, to clarify the reasons for the Notice. Mr. Mason indicated that the RCE and Submission were not entered because the Examiner had previously abandoned the application. However, as discussed above, the abandonment was in error because Applicants’ timely filed the RCE and Submission.

As such, Applicants submit that a RCE and Submission were timely filed and that this abandonment is improper. Therefore, it is respectfully petitioned that the abandonment be withdrawn.

A copy of the Request or Continued Examination (RCE) and Submission Under 37 CFR §1.114 as filed on September 26, 2011, a copy of the Electronic Acknowledgement Receipt by the Patent and Trademark Office acknowledging receipt of said reply on said date, a copy of the Notice of Improper Request for Continued Examination (RCE), and the appropriate fees are submitted herewith so as to withdraw the abandonment of this application. Accordingly, Applicants respectfully request that the Request or Continued Examination (RCE) and Submission be entered and considered.

Withdrawal of the holding of abandonment, entry of the Submission and RCE filed on September 26, 2011, and prompt favorable action on the merits is respectfully respected.

Counsel's Credit Card will be charged in the amount of One Thousand Eight-Hundred and Sixty Dollars (\$1,860.00) to cover the cost of the petition. In the event there are any additional fees due with respect to the filing of this paper, please charge Counsel's Deposit Account 50-2222 referencing Attorney Docket No. 060282.00294. Since, however, this petition is necessitated due to an error on the part of the United States Patent and Trademark Office (specifically an internal mail handling error), a refund in the amount of One Thousand Eight-Hundred and Sixty Dollars (\$1,860.00) is respectfully requested.

Respectfully submitted,

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Enclosures: Copy of Request for Continued Examination (RCE)
Copy of Response Under 37 CFR § 1.114
Copy of Electronic Acknowledgement Receipt
Copy of Notice of Improper Request for Continued Examination (RCE)